

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

22-CR-176-LJV-JJM
DECISION & ORDER

SALVATORE CORTES,

Defendant.

1. On April 9, 2024, the defendant, Salvatore Cortes, pleaded guilty to count 7 of the indictment charging a violation of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute, and distribution of, methamphetamine). Docket Item 78.

2. On April 9, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 79.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 79), the plea agreement (Docket Item 77), the indictment (Docket Item 1), a transcript of the plea proceeding (Docket Item 88), and the applicable law. Based on that review, this Court conducted a subsequent plea colloquy on August 9, 2024. See Docket Item 108.

5. With the addition of this Court's subsequent plea colloquy, the Court adopts Judge McCarthy's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 7 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's April 9, 2024 Report & Recommendation, Docket Item 79, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Salvatore Cortes, is now adjudged guilty of count 7 of the indictment under Title 21, United States Code, Section 841(a)(1).

SO ORDERED.

Dated: August 16, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE